

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA	)	CRIMINAL NO. 2:02cr
	)	
v.	)	
	)	18 U.S.C. § 371
JAMES R. TURNER	)	Conspiracy to Steal Property
a/k/a "Jimmy"	)	(Count 1)
(Counts 1-8, 10-21, 23)	)	
	)	18 U.S.C. § 659
LANCE TURNER	)	Possession of Goods Stolen from
(Counts 1, 2)	)	Interstate Shipment
	)	(Counts 2-13)
DALE WOODS	)	
(Counts 1, 3, 9, 12, 22, 24, 25)	)	18 U.S.C. § 549
	)	Theft from Customs Custody
Defendants.	)	(Counts 14-18)
	)	
	)	21 U.S.C. § 841(a)(1)
	)	Distribution of "Ecstasy"
	)	(Methylenedioxymethamphetamine)
	)	(Count 19)
	)	
	)	47 U.S.C. § 553
	)	Unauthorized Reception of Cable
	)	Service
	)	(Counts 20-22)
	)	
	)	18 U.S.C. § 1029
	)	Fraud in Connection with Access
	)	Devices
	)	(Counts 23-24)
	)	
	)	18 U.S.C. § 2320
	)	Trafficking in Counterfeit
	)	Goods
	)	(Count 25)
	)	
	)	18 U.S.C. § 981, 982
	)	Criminal Forfeiture

SUPERCEDING INDICTMENT

April 2002 Term - at Norfolk, Virginia

COUNT ONE

THE GRAND JURY CHARGES THAT:

From in or about the Summer of 2000, and continuing thereafter until in or about April 2002, in the Eastern District of Virginia and elsewhere, defendants JAMES R. TURNER a/k/a "Jimmy", LANCE TURNER, and DALE WOODS did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together, with each other, and with other persons both known and unknown to the grand jury to commit the following offenses against the United States:

1. Steal property in excess of \$1,000.00 from interstate railway shipment containers moving as and a part of an interstate shipment of freight and other property located at the Norfolk Southern Portlock complex in violation of 18 U.S.C. § 659;
2. Possess property in excess of \$1,000.00 stolen from interstate railway shipment containers located at the Norfolk Southern Portlock complex in violation of 18 U.S.C. § 659;
3. Willfully remove property without authority, break and deface customs seals, from the custody and control of the United States Customs Service in violation of 18 U.S.C. § 549;
4. Knowingly with intent to defraud traffick in unauthorized access devices in violation of 18 U.S.C. §1029;

WAYS, MANNER AND MEANS TO ACCOMPLISH THE CONSPIRACY

The ways, manner and means by which this conspiracy was carried out included, but were not limited to, the following:

1. It was a part of the conspiracy that the defendants and co-conspirators would cut security seals from railway containers to

view the consumer goods located inside and determine if said goods would be marketable if stolen.

2. It was further a part of the conspiracy that the defendants and co-conspirators would call JAMES R. TURNER a/k/a "Jimmy" after breaking into railway containers to ask he if would buy the specific goods for resale on the black market.

3. It was further a part of the conspiracy that the defendants and co-conspirators would use company trucks to transport stolen interstate goods from Customs' custody to selected drop-off locations, JAMES R. TURNER a/k/a "Jimmy"'s private residence and LANCE TURNER's private residence.

4. It was further a part of the conspiracy that the defendants and co-conspirators used cellular and hard line telephones to coordinate stealing specific types of consumer goods and delivering them to locations where the goods would be later redistributed.

5. It was further a part of the conspiracy that the defendants and co-conspirators used the internet and traditional paper catalogs to determine the retail price of stolen goods for setting a resale price.

6. It was further a part of the conspiracy that the defendants and co-conspirators would distribute the stolen goods to others including DALE WOODS, for further distribution to New York and "South-Boston" for further distribution to South Boston and

Danville Virginia, and JAMES R. TURNER a/k/a "Jimmy"'s relatives including LANCE TURNER in exchange for money.

7. It was further a part of the conspiracy that JAMES R. TURNER a/k/a "Jimmy" would make advance orders of certain consumer goods such as DVD players and video game sets which could be readily resold on the black market for profit.

8. It was further part of the conspiracy for co-conspirators to transport stolen goods to North Carolina for sale.

9. It was further part of the conspiracy that co-conspirators would sell and trade stolen property and firearms between themselves.

10. It was further part of the conspiracy for JAMES R. TURNER a/k/a "Jimmy" to sell illegal cable boxes with access to all channels to co-conspirators and others for profit.

#### OVERT ACTS

In furtherance of the conspiracy and to accomplish the objects of the conspiracy, one or more overt acts were committed in the Eastern District of Virginia, that is:

1. In or about August, 2000, co-conspirators broke into Container HDMU2300210 at Portlock in Chesapeake, Virginia, and did steal approximately 204 Audiovox car stereos and compact disk components.

2. In or about August, 2000, co-conspirators delivered stolen Audiovox car stereos and compact disk components to JAMES R. TURNER a/k/a "Jimmy" in Chesapeake, Virginia.

3. In or about August 2000, JAMES R. TURNER a/k/a "Jimmy" directed unindicted co-conspirators to transfer a load of stolen Audiovox car stereos to LANCE J. TURNER's garage at 816 Pompano Arch, Chesapeake, Virginia.

4. In or about August 2000, JAMES R. TURNER a/k/a "Jimmy" escorted unindicted co-conspirators to LANCE J. TURNER's garage at 816 Pompano Arch, Chesapeake, Virginia to unload stolen Audiovox car stereos.

5. In or about late 2000, unindicted co-conspirators installed a stolen Audiovox car stereo into a service truck used for container maintenance at Portlock.

6. In or about September, 2000, co-conspirators broke into container EMHU684756 at Portlock in Chesapeake, Virginia and did steal approximately 12 RCA televisions.

7. In or about September 2000, JAMES R. TURNER a/k/a "Jimmy" sold two illegal cable television decoder/receivers (unauthorized access devices) to an unindicted co-conspirator.

8. In or about September 2000, an unindicted co-conspirator directed Cox Cable to decrease his level of service to the basic subscription rate.

9. In or about September, 2000, an unindicted co-conspirator delivered stolen RCA televisions to individuals in Virginia and North Carolina.

10. In or about September, 2000, unindicted co-conspirators broke into Container HDMU4222857 at Portlock in Chesapeake, Virginia, and did steal approximately 24 Audiovox Video-In-A-Bag systems.

11. In or about September, 2000, unindicted co-conspirators delivered stolen Audiovox Video-In-A-Bag systems to JAMES R. TURNER a/k/a "Jimmy" and DALE WOODS at 1533 Mount Pleasant Road, Chesapeake, Virginia.

12. In or about September, 2000, unindicted co-conspirators broke into container HDMU4072269 at Portlock in Chesapeake, Virginia and did steal approximately 69 Audiovox car stereos.

13. In or about September, 2000, unindicted co-conspirators delivered stolen Audiovox car stereos to JAMES R. TURNER a/k/a "Jimmy" at 1533 Mount Pleasant Road Chesapeake, Virginia.

14. In or about October, 2000, unindicted co-conspirators broke into Container HDMU6171023 at Portlock in Chesapeake, Virginia, and did steal approximately 124 Audiovox Video-In-a-Bag systems.

15. In or about October, 2000, unindicted co-conspirators delivered stolen Audiovox Video-In-A-Bag systems to JAMES R. TURNER a/k/a "Jimmy" at 1533 Mount Pleasant Road, Chesapeake, Virginia.

16. At approximately 09:47 AM November 14, 2000, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock in Chesapeake, Virginia.

17. In or about October to November, 2000 a relative of JAMES R. TURNER a/k/a "Jimmy" and other unindicted co-conspirators loaded stolen clock radios into a truck and trailer at the residence of JAMES R. TURNER a/k/a "Jimmy" in Chesapeake Virginia.

18. In or about October to November 2000, a relative of JAMES R. TURNER a/k/a "Jimmy" transported stolen clock radios from Chesapeake, Virginia, to Martinsville/Troutville, Virginia, in order to sell them at her place of employment.

19. In or about November 2000, an unindicted co-conspirator recruited an employee at Portlock to assist in breaking into interstate shipment railway containers at Portlock.

20. In or about November 2000, at Portlock in Chesapeake, Virginia, unindicted co-conspirators broke into container HDMU2103946 and did steal approximately 201 George Foreman grills.

21. In or about November, 2000, unindicted co-conspirators transported stolen George Foreman grills to JAMES R. TURNER a/k/a "Jimmy" and others at 1533 Mount Pleasant Road, Chesapeake, Virginia.

22. In or about November 2000, an unindicted co-conspirator paid \$800.00 to another unindicted co-conspirator for assisting with the stealing of George Foreman grills and RCA televisions.

23. In or about November, 2000, unindicted co-conspirators broke into container HDMU4120562 at Portlock in Chesapeake, Virginia, and did steal approximately 348 components of Audiovox car alarms and remote starters.

24. In or about November, 2000, unindicted co-conspirators delivered stolen Audiovox car alarms and remote starters to JAMES R. TURNER a/k/a "Jimmy" and others in Chesapeake, Virginia.

25. In or about December, 2000, an unindicted co-conspirator gave a stolen RCA television to a relative in North Carolina as a Christmas gift.

26. In or about December 2000 to January, 2001, JAMES R. TURNER a/k/a "Jimmy" offered to purchase stolen Sony DVD systems from co-conspirators for \$60.00 each.

27. In or about December 2000 to January, 2001, unindicted co-conspirators broke into container HDMU4234396 at Portlock in Chesapeake, Virginia, and did steal approximately 148 Sony DVD systems.

28. In or about December 2000 to January, 2001, unindicted co-conspirators delivered stolen Sony DVD systems to JAMES R. TURNER a/k/a "Jimmy" at 1533 Mount Pleasant Road, Chesapeake, Virginia.

29. In or about December 2000 to January, 2001, JAMES R. TURNER a/k/a "Jimmy" paid unindicted co-conspirators for stolen Sony DVD systems delivered to TURNER.



30. In or about February, 2001, unindicted co-conspirators broke into container HDMU4323050 at Portlock in Chesapeake, Virginia, and did steal approximately 303 Sony DVD systems.

31. In or about February, 2001, unindicted co-conspirators delivered stolen Sony DVD systems to JAMES R. TURNER a/k/a "Jimmy" at 1533 Mount Pleasant Road, Chesapeake, Virginia for which JAMES R. TURNER a/k/a "Jimmy" paid cash.

32. In or about February and March, 2001, unindicted co-conspirators broke into container HDMU4249924 at Portlock in Chesapeake, Virginia, and did steal approximately 284 Sony DVD systems.

33. In or about February and March, 2001, unindicted co-conspirators delivered stolen Sony DVD systems to JAMES R. TURNER a/k/a "Jimmy" AT 1533 Mount Pleasant Road Chesapeake, Virginia.

34. In or about February and March, 2001, JAMES R. TURNER a/k/a "Jimmy" paid cash to unindicted co-conspirators for stolen Sony DVD systems delivered to JAMES R. TURNER a/k/a "Jimmy".

35. In or about February and March, 2001, at JAMES R. TURNER a/k/a "Jimmy"'s residence in Chesapeake, Virginia, JAMES R. TURNER a/k/a "Jimmy" and unindicted co-conspirators loaded stolen Sony DVD systems into DALE WOOD's van for transportation to New York.

36. At approximately 1:05 PM February 26, 2001, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock.

38. At approximately 1:25 PM February 26, 2001, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock.

39. At approximately 3:34 PM February 26, 2001, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock.

40. At approximately 10:40 AM February 27, 2001, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock.

41. At approximately 1:12 PM February 27, 2001, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock.

42. At approximately 1:15 PM February 27, 2001, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock.

43. At approximately 8:43 AM February 27, 2001, JAMES R. TURNER a/k/a "Jimmy" placed a wireless call to an unindicted co-conspirator who worked at Portlock.

44. On or about February 26 or 27 2001, coconspirators broke into container HDMU4323050 at Portlock in Chesapeake, Virginia, and did steal approximately 303 Sony DVD systems.

45. In or about February or March, 2001, JAMES R. TURNER a/k/a "Jimmy" hosted a party for unindicted co-conspirators in order to celebrate the thefts of the Sony DVD systems. JAMES R. TURNER a/k/a "Jimmy" hired a dancer for the party, and paid her with cash and a stolen Sony DVD system.

46. In or about March 2001, JAMES R. TURNER a/k/a "Jimmy" state if anyone gave information to the police about the thefts from the railroad "they will die".

(In violation of Title 18, United States Code, Section 371.)

COUNT TWO

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about August 2000, in Chesapeake, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" and LANCE TURNER did knowingly did buy, receive and have in their possession goods and chattels of a value in excess of \$1,000.00, that is approximately 204 Audiovox car stereos and compact disk components, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Hong Kong, through Long Beach California, to Chesapeake Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT THREE

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about September 2000, in Chesapeake, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" and DALE WOODS knowingly did buy, receive and have in their possession goods and chattels of a value in excess of \$1,000.00, that is approximately 24 Audiovox Video-In-A-Bag Systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Hong Kong through Seattle/Tacoma, Washington, to Chesapeake, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT FOUR

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about September 2000, in Chesapeake, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is approximately 69 Audiovox car stereos, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from China, through Los Angeles, California, to Chesapeake, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT FIVE

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about October 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is approximately 124 Video-In-A-Bag systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Hong Kong through Seattle/Tacoma, Washington, to Chesapeake, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT SIX

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about November 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is approximately 201 George Foreman grills, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from China through Long Beach, California, and Chesapeake, Virginia to Portsmouth, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).



COUNT SEVEN

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about November 2000, in Chesapeake, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is approximately 348 components of Audiovox car alarms and remote starters, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Taiwan, through Long Beach, California, to Chesapeake, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT EIGHT

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about January 2001, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is approximately 148 Sony DVD systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Korea, through Long Beach/Los Angeles, California, to Staunton, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January/February 2001, in the Eastern District of Virginia, DALE WOODS knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is Sony DVD systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Korea, through Long Beach/Los Angeles, California, to Staunton, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT TEN

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about February 2001, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is 303 Sony DVD systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Korea, though Long Beach, California, to Staunton Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT ELEVEN

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about February 2001, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is 284 Sony DVD systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from Korea, through Long Beach, California, to Staunton, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

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COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 25, 2001, in Chesapeake, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" and DALE WOODS, knowingly did buy, receive and have in their possession goods and chattels of a value in excess of \$1,000.00, that is 309 Audiovox Stereo systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from China, through Los Angeles, California, to Chesapeake, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT THIRTEEN

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about March 2001, in Chesapeake, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", knowingly did buy, receive and have in his possession goods and chattels of a value in excess of \$1,000.00, that is 72 Audiovox Stereo systems, which had been stolen from a shipping container located at the Portlock complex of the Norfolk Southern railway, which container was moving in interstate commerce from China, through Los Angeles, California, to Chesapeake, Virginia, knowing the said goods and chattels to be stolen.

(In violation of Title 18, United States Code, Section 659 and Section 2).

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" did unlawfully, knowingly and without authority willfully remove, break, and deface any customs seals and fastenings placed upon a vehicle and package containing merchandise in customs custody, to wit: approximately 24 Audiovox Video-In-A-Bag systems which had not been released by the United States Customs Service.

(In violation of Title 18, United States Code, Section 549 and Section 2)



COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" did unlawfully, knowingly and without authority willfully remove, break, and deface any customs seals and fastenings placed upon a vehicle and package containing merchandise in customs custody, to wit: approximately 69 Audiovox car stereos which had not be released by the United States Customs Service.

(In violation of Title 18, United States Code, Section 549 and Section 2)

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" did unlawfully, knowingly and without authority willfully remove, break, and deface any customs seals and fastenings placed upon a vehicle and package containing merchandise in customs custody, to wit: approximately 124 Video-in-A-Bag systems which had not be released by the United States Customs Service.

(In violation of Title 18, United States Code, Section 549 and Section 2)

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COUNT SEVENTEEN

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

On or about November 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", did unlawfully, knowingly and without authority willfully remove, break, and deface any customs seals and fastenings placed upon a vehicle and package containing merchandise in customs custody, to wit: approximately 201 George Foreman grills which had not be released by the United States Customs Service.

(In violation of Title 18, United States Code, Section 549 and Section 2)

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" did unlawfully, knowingly and without authority willfully remove, break, and deface any customs seals and fastenings placed upon a vehicle and package containing merchandise in customs custody, to wit: approximately 348 components of Audiovox car alarms and remote starters, which had not be released by the United States Customs Service.

(In violation of Title 18, United States Code, Section 549 and Section 2)

COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 2001, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", did unlawfully, knowingly and intentionally distribute a mixture and substance containing a detectable amount of Methylenedioxymethamphetamine commonly known as "Ecstasy", a Schedule I narcotic controlled substance.

(In violation of Title 21 United States Code, Section 841(a)(1) and (b)(1)(C)).

COUNT TWENTY

THE GRAND JURY CHARGES THAT:

On or about September 2000, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" willfully and for purposes of commercial advantage and private financial gain, assisted in intercepting certain communications services offered over a cable system by selling a cable box which received all premium and pay-per-view stations without the required subscriber fee, which was not authorized by a cable operator nor otherwise specifically authorized by law.

(In violation of Title 47 U.S.C. Section 553(a)(1), (a)(2),  
(b)(2)).

COUNT TWENTY ONE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 2002, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy" willfully and for purposes of commercial advantage and private financial gain, intercepted communications services offered over a cable system by installing a cable box which received all premium and pay-per-view stations without the required subscriber fee, which was not authorized by a cable operator nor otherwise specifically authorized by law.

(In violation of Title 47 U.S.C. Section 553(a)(1), (a)(2), (b)(2)).

COUNT TWENTY TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 2002, in the Eastern District of Virginia, DALE WOODS willfully and for purposes of commercial advantage and private financial gain, assisted in intercepting certain communications services offered over a cable system by selling a cable box which received all premium and pay-per-view stations without the required subscriber fee, which was not authorized by a cable operator nor otherwise specifically authorized by law.

(In violation of Title 47 U.S.C. Section 553(a)(1), (a)(2), (b)(2)).



COUNT TWENTY THREE

THE GRAND JURY FURTHER CHARGES THAT:

\_\_\_\_\_In or about September 2002, in the Eastern District of Virginia, JAMES R. TURNER a/k/a "Jimmy", knowingly and with intent to defraud trafficked in one or more unauthorized access devices as defined in 18 U.S.C. § 1029(e)(1) and (e)(3); and trafficking as defined in subsection (e)(5), to wit; unauthorized decoder/receiver cable television access boxes, said trafficking affecting interstate commerce in that cable service provides access to multiple national television networks.

(In violation of Title 18 U.S.C. § 1029(a)(9))

COUNT TWENTY FOUR

THE GRAND JURY FURTHER CHARGES THAT:

\_\_\_\_\_In or about April 7, 2002, in the Eastern District of Virginia, DALE WOODS, knowingly and with intent to defraud trafficked in one or more unauthorized access devices as defined in 18 U.S.C. § 1029(e)(1) and (e)(3), and trafficking as defined in subsection (e)(5), to wit; unauthorized decoder/receiver cable television access boxes, said trafficking affecting interstate commerce in that cable service provides access to multiple national television networks.

(In violation of Title 18 U.S.C. § 1029(a)(9))

COUNT TWENTY FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 7, 2002 , in the Eastern District of Virginia, DALE WOODS intentionally did traffic and attempt to traffic in goods, to wit, a Rolex wrist watch, and knowingly used counterfeit marks on and in connection with such goods, that is, an engraved brand name, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of which marks was likely to cause confusion, to cause mistake, and to deceive.

(All in violation Title 18, United States Code, Section 2320)

CRIMINAL FORFEITURE

\_\_\_\_\_THE GRAND JURY FURTHER CHARGES THAT:

A. The defendants, JAMES R. TURNER a/k/a "Jimmy" and LANCE TURNER, if convicted of any one or more of the offenses in Counts 1-22 relating to Conspiracy to Steal Property, Possession of Goods Stolen From Interstate Shipment, Theft from Customs Custody and Dealing in a Controlled Substance, Fraud in Connection with Access Devices, Unauthorized Reception of Cable Service, shall forfeit to the United States:

- 1 any property, real and personal, which constitutes or is derived from proceeds traceable to an offense constituting a specified unlawful activity (as those are defined in 18 U.S.C. 1956(c)(7)) or a conspiracy to commit such offense, which also includes racketeering activities defined in 18 U.S.C. 1961(1), all as provided for by 28 U.S.C. 2461(c)).

(All in violation of Title 18, United States Code, Sections 981(a)(1)(C) and 982.)

B. The property subject to forfeiture under paragraph A includes, but is not limited to the following:

1. Approximately \$500,000.00 in U.S. Currency and all interest and proceeds traceable thereto, which is the aggregate amount involved in the aforementioned offenses or proceeds traceable to such property.

2. Real Property located at **1533 Mount Pleasant Road, Chesapeake, Virginia 23322**, including all appurtenances and attachments thereto, and more particularly described as:

ALL THAT certain lot, piece or parcel of land, with the appurtenances thereunto, belonging, lying, situate and being in the Butts Road Borough of the City of Chesapeake, Virginia, and being known, numbered and designated as Lot 21, set forth on that certain plat entitled, "Albemarle Farms North, Section Two, Butts Road Borough, Chesapeake, Virginia", dated February 28, 1978, made by Freeman & Freeman, Surveyors & Engineers which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Map Book 65, at pages 14A, 14B and 14C. Reference is hereby made to said plat for a more particular description of said lot.

3) Real property located at **816 Pompano Arch, Chesapeake, Virginia.**

C. If any of the property described as being subject to forfeiture, as a result of any act or omission of the defendant -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of defendants up to the value of the property described above, as being subject to forfeiture pursuant to Title 18, United States Code, Section 982.

A TRUE BILL:

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FOREPERSON

PAUL J. MCNULTY  
UNITED STATES ATTORNEY

By: \_\_\_\_\_  
Michael R. Smythers  
Assistant United States Attorney

By: \_\_\_\_\_  
Joseph E. DePadilla  
Assistant United States Attorney

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